

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**UNITED STATES OF AMERICA**

**v.**

**2:05CR115**

**RANDOLPH PERSON, JR.**

**Defendant.**

**REPORT AND RECOMMENDATION  
CONCERNING GUILTY PLEA**

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Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, and possession of a firearm in furtherance of a drug trafficking crime in violation of 21 U.S.C. § 846(b)(1)(a) and 18 U.S.C. §§ 924(c)(1)(A) and (2).

Defendant was represented by retained counsel, James O. Broccoletti, Esquire. However, on November 3, 2005, the day of the hearing, Broccoletti appeared before the United States Court of Appeals for the Fourth Circuit to argue a matter on appeal. Christopher I. Jacobs, Esquire, a member of Broccoletti's firm, appeared on behalf of defendant. Upon inquiry, defendant informed the Court that he was aware of the reason for Broccoletti's absence, had spoken with Jacobs, and specifically wished to go forward with Jacobs. Defendant refused the opportunity afforded by the Court to briefly continue the matter to a date when Broccoletti was available. Defendant appeared before the Court

for the purpose of entering his guilty plea. He was appropriate in appearance, responsive, and competently prepared for the hearing.

Defendant answered all questions put to him in clear and concise language. On those occasions when He had a question, defendant consulted with counsel and then promptly answered. Defendant was courteous and appropriate in his behavior at all times and clearly understood the seriousness of his position. At the close of the proceeding, defendant was continued in custody.

Defendant is twenty-six years of age, has a GED, and speaks English as his native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair his judgment. He was cooperative throughout the proceeding.

Defendant entered the guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that he fully appreciates his position. Furthermore, he acknowledged that the statement of facts prepared in anticipation of his plea accurately reflects the government's evidence, in the event of trial. Defendant appeared completely satisfied with the advice of counsel, and Jacobs provided appropriate assistance during the proceeding.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offenses charged are supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

**James E. Bradberry**  
**United States Magistrate Judge**

**Norfolk, Virginia**

November 7, 2005

Clerk's Mailing Certificate

A copy of the foregoing Report was mailed this date to each of  
the following:

James O. Broccoletti, Esquire  
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Elizabeth H. Paret, Clerk

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_, 2005